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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|               |                           |   |                   |
|---------------|---------------------------|---|-------------------|
| Appl. No:     | 10/677,399                | ) |                   |
| Applicant:    | David V. Smith            | ) |                   |
| Filed:        | October 1, 2003           | ) | Robert P. Swiatek |
|               |                           | ) | Patent Examiner   |
|               |                           | ) | Art Unit 3643     |
| Title:        | ELECTRIC FISH BARRIER FOR | ) |                   |
|               | WATER INTAKES AT VARYING  | ) |                   |
|               | DEPTHS                    | ) |                   |
| Atty Dkt No.: | HM-87423                  | ) |                   |

**AMENDMENT "C" AFTER NOTICE OF ALLOWANCE**  
**DATED MARCH 31, 2005**

Mail Stop – NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please enter the following amendment to dependent claim 40. The amendment is intended to ensure that applicant has adequate protection for the claimed invention, in particular, the invention as shown in Fig. 7. It can be seen that no new matter has been added, and that the amendment raises no new issues that would require an additional search.

**Amendments to the Claims:**

Begin on page 2 of this paper.

**Remarks**

Begin on page 6 of this paper.